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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,250	11/28/2001	Richard Ormson	15109	2976

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EXAMINER

GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/996,250	ORMSON, RICHARD	
	Examiner	Art Unit	
	Jean A Gelin	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/27/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 11-16 is/are allowed.
- 6) ☒ Claim(s) 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the Applicant's amendments and arguments received October 27, 2004 in which claims 1, 4-7, 9, 11, and 14-16 have been amended, claim 8 has been cancelled. Claims 1-7 and 9-16 are currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meadows et al. (US 6,690,292 B1).

Regarding claim 9, Meadows teaches a mobile telephone adapted for use with a vehicular traffic monitoring system (i.e., portable terminal incorporated as a fixed unit in an automobile, col. 3, lines 20-26), associated with a mobile telephone network, comprising: a radio unit (col. 3, lines 20-23), processor and memory for providing telephone communication with a mobile telephone network including periodic update signals (inherently within the cellular telephone, PDA, portable handset, col. 3, lines 18-23) and arranged to provide a traffic update signal function, the traffic update signal function comprising an input for receiving a request from a mobile telephone user for traffic information (col. 3, lines 1-11, col. 6, lines 7-15) and an output for causing the radio unit to broadcast an update signal (col. 6, lines 44-53).

Meadows does not specifically teach an output for causing the radio unit to broadcast an update signal more frequently than usual. However, the teaching of receiving traffic update information and average speed information as the portable handset is moving can well be used for receiving traffic update more frequently as the mobile is moving faster (see col. 3, lines 5-10, col. 6, lines 44-53). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use the traffic update information and the speed of the portable with the automobile in order that the subscriber of the portable handset can quickly request traffic information while operating an automobile moving at high speed.

Regarding claim 10, Meadows teaches wherein the traffic update signal function is arranged to cause the radio unit to broadcast an update signal as a function of traffic flow data provided by the traffic monitoring system (col. 6, lines 8-53).

Allowable Subject Matter

4. Claims 1-7 and 11-16 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: claims 1-7 and 11-16 are allowed in view of the amendments and arguments.

Response to Arguments

5. Applicant's arguments filed 10/27/04 have been fully considered but they are not persuasive.

With respect to claims 9-10, the Applicant argues that Meadows does not disclose a mobile telephone frequently outputs a traffic update signal. However, the preceding limitation disagrees with the preceding arguments. Meadows teaches a mobile telephone as recited in claim 9, typically includes a radio unit, processor, and memory; the user of the mobile telephone can use the telephone input to request and received updates traffic information and other services (col. 1, line 56 to col. 2, line 2). Using different words do not change the core of the invention. Therefore, the content of what being claimed is disclosed by Meadow, and the rejection is made final.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2681

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin
April 17, 2005

JEAN GELIN
PRIMARY EXAMINER

A handwritten signature in cursive script that reads "Jean Allard Gelin". The signature is written in dark ink and is positioned below the printed name and title.